

10232. Adulteration of Soyflake flour. U. S. v. 425 Bags of Soyflake Flour. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17730. Sample No. 23509-H.)

LIBEL FILED: October 3, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 14, 1945, by Spencer Kellogg and Sons, Inc., from Decatur, Ill.

PRODUCT: 425 100-pound bags of Soyflake flour at St. Louis, Mo.

LABEL, IN PART: "Kelloggs Soyflake Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of moths, larvae, and insect fragments.

DISPOSITION: November 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured as directed by the Federal Security Agency, so that it could not be used for human consumption.

10233. Adulteration of whole wheat flour. U. S. v. 20 Bags of Whole Wheat Flour. Default decree of forfeiture and destruction. (F. D. C. No. 17677. Sample No. 14545-H.)

LIBEL FILED: September 29, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 31, 1945, from Chicago, Ill.

PRODUCT: 20 100-pound bags of whole wheat flour at Evansville, Ind., in possession of the Hartford Baking Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta and beetles.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 403 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 5, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10234. Adulteration and misbranding of enriched flour. U. S. v. 185 Bales of Enriched Flour. Default decree ordering product delivered to a charitable institution. (F. D. C. No. 17441. Sample No. 21356-H.)

LIBEL FILED: On or about September 25, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 1, 1945, by American Flours, Inc., from Newton, Kans.

PRODUCT: 185 bales, each containing 10 5-pound bags, of flour at Kansas City, Mo.

LABEL, IN PART: "Enriched Kitchen Craft Finest Grade Enriched Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour, since the definition and standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), and the product contained approximately 1.5 milligrams of thiamine per pound.

DISPOSITION: February 4, 1946. No claimant having appeared, judgment was entered ordering the product delivered to a charitable institution in lieu of destruction.

10235. Adulteration and misbranding of enriched phosphated flour. U. S. v. 104 Bags of Enriched Phosphated Flour. Default decree of condemnation. Product ordered sold to the highest bidder, to be denatured for use other than human consumption. (F. D. C. No. 17664. Sample No. 23470-H.)

LIBEL FILED: September 25, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 27 and August 14, 1945, by the Weber Flour Mills Co., from Lincoln, Nebr., and Salina, Kans.

PRODUCT: 104 25-pound bags of enriched phosphated flour at St. Louis, Mo.

LABEL, IN PART: "Enriched Phosphated Tea Table Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard for enriched flour, since the standard requires that enriched flour shall contain in each pound not less than 2.0 milligrams of thiamine (vitamin B₁), and the article contained approximately 1.37 milligrams of thiamine per pound.

DISPOSITION: October 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, to be denatured for use other than human consumption, under the supervision of the Food and Drug Administration.

10236. Adulteration and misbranding of enriched phosphated flour. U. S. v. 91 Bags of Enriched Phosphated Flour. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 17665. Sample No. 23274-H.)

LABEL FILED: September 25, 1945, Eastern District of Texas.

ALLEGED SHIPMENT: On or about August 10, 1945, by the Monarch Milling Co., from Clinton, Mo.

PRODUCT: 91 50-pound bags of enriched phosphated flour at Texarkana, Tex.

LABEL, IN PART: "Bleached Enriched Flake White Flour * * * Phosphated."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the definition and standard requires that enriched flour shall contain not less than 2.0 milligrams of thiamine per pound, whereas the product contained approximately 1.54 milligrams of thiamine per pound.

DISPOSITION: December 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, to be used as stock feed.

MACARONI AND NOODLE PRODUCTS

10237. Action to enjoin and restrain the interstate shipment of macaroni products. U. S. v. Cardinale Macaroni Manufacturing Co., Inc., Andrew Cardinale, Dominick Cardinale, Joseph Cardinale, Vincent Cuonzo, Ignazio Maggio, John Piras, and Joseph Genovese. Injunction granted. (Inj. No. 106.)

COMPLAINT FILED: July 19, 1945, Eastern District of New York, against the Cardinale Macaroni Manufacturing Co., Inc., Brooklyn, N. Y., and its above-mentioned officers. The complaint charged that since on or before May 14, 1945, the defendants and their agents and employees had been introducing and delivering for introduction into interstate commerce macaroni products that were adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

PRAYER OF COMPLAINT: That the defendants be restrained and enjoined permanently from shipping in interstate commerce any adulterated or misbranded articles of food.

DISPOSITION: On July 19, 1945, the defendants were ordered to show cause why a preliminary injunction should not issue. On August 17, 1945, the Government's motion for a preliminary injunction was argued and granted by the court. On June 28, 1946, the defendants, the Cardinale Macaroni Manufacturing Co., Inc., and Andrew Cardinale, having consented to the entry of a final decree of injunction, the court granted a permanent injunction restraining the Cardinale Macaroni Manufacturing Co., Inc., its representatives, and Andrew Cardinale from shipping in interstate commerce any adulterated or misbranded articles of food which were infested or contaminated in whole or in part with insect filth, rodent filth, or animal filth.